

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| BYRON F. CHURCH and                | ) |                              |
| KATHLEEN B. CHURCH,                | ) |                              |
|                                    | ) |                              |
| Plaintiffs,                        | ) |                              |
| v.                                 | ) | No. 02-341-GPM               |
|                                    | ) | St. Clair County #: 01 L 756 |
| GEORGE BURGESS and                 | ) |                              |
| CARDINAL FREIGHT CARRIERS, INC.,   | ) |                              |
|                                    | ) |                              |
| Defendants/Third Party Plaintiffs, | ) |                              |
| vs.                                | ) |                              |
|                                    | ) |                              |
| JOHN DEERE SHARED SERVICES,        | ) |                              |
| INC., and CONSOLIDATED             | ) |                              |
| PERSONNEL CORP.,                   | ) |                              |
|                                    | ) |                              |
| Third Party Defendants.            | ) |                              |

**PLAINTIFFS' PRETRIAL DISCLOSURES PURSUANT TO F.R.C.P. 26(a)(3)**

COME NOW Plaintiffs, BYRON F. CHURCH and KATHLEEN B. CHURCH,  
by and through counsel, and hereby provide their Pretrial Disclosures Pursuant to  
F.R.C.P. 26(a)(3), as follows:

|    |    |                      |
|----|----|----------------------|
| A. | *  | Byron Church         |
|    | *  | Kathleen Church      |
|    | *  | Fred Miller          |
|    | *  | George Burgess       |
|    | *  | Robert Sanders       |
|    | *  | Trooper M. Schmitt   |
|    | *  | Dr. Richard Kreiter  |
|    | ** | Dr. Michael Creer    |
|    | *  | Dr. Thomas Otto      |
|    | ** | Dr. Mark Shapiro     |
|    | *  | Dr. Denise McMonagle |
|    | ** | Dr. Michael Cullen   |
|    | ** | Dr. Jim Licandro     |
|    | ** | Dr. Richard Sadler   |
|    | ** | Dr. David Rohlf      |

\*\* Dr. Stephen TouVelle  
\* Dr. Stan Smith  
\*\* Dr. John Frederick  
\*\* Dr. Peter Fries  
\*\* Dr. Arthur Searle  
\*\* Dr. James Darrow  
\*\* Dr. Laurie Byrne  
\*\* Dr. C. Main  
\*\* Dr. Eric Sargent  
\*\* Records custodians of all medical providers  
\*\* David Palmer, Adjuster for Cardinal Freight Carriers, Inc.  
\* Jill Coble, Cardinal Freight Carriers, Inc.  
\*\* Sheri Behr, Paradigm Investigative Solutions  
\*\* Trooper K. Stephens, Illinois State Police  
\* Larry Fultz  
\*\* Jim Potthast  
\* F. Cecil Dunbar  
\* Victoria Pharr  
\* Jerry Richard Stone  
\* G. Dwayne Singleton  
\* John R. Neal  
\* Kent A. Jayne  
\*\* Larry DeBrock  
\* Robert Seyfried

**\* party expects to present**

**\*\* party may call if the need arises**

- B.
1. Larry Fultz
  2. Jerry Richard Stone
  3. G. Dwayne Singleton
  4. F. Cecil Dunbar
  5. Victoria Pharr

- C. Plaintiffs completed an Exhibit List on this Court's exhibit template and forwarded said template to attorneys for defendants on April 30, 2004. (See attachment).

BYRON F. CHURCH and KATHLEEN B.  
CHURCH,  
Plaintiffs,

BY: S/Thomas M. Harris  
Attorney for Plaintiffs

JEROME MIRZA & ASSOCIATES, LTD.  
Attorneys for Plaintiff  
705 E. Washington Street  
Bloomington, IL 61701  
309/827-8011

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

**EXHIBIT LIST**

**Style:** **BYRON F. CHURCH, et al. v. GEORGE BURGESS, et al.**

**CASE NUMBER:** 02-341-GPM

**Presiding Judge**  
**G. Patrick Murphy**

**Plaintiff's Attorney**  
**Thomas Harris**

**Defendant's Attorney**  
**Michael Pitzer: Burgess/Cardinal**  
**James Stockberger: Deere/Cons. Pers.**

**Trial Dates**  
June, 2004

**Court Reporter**  
Molly Clayton

**Courtroom Deputy**  
Linda Cook

| <b>Plf.<br/>No.</b> | <b>Deft.<br/>No.</b> | <b>Third-Pty<br/>Deft.</b> | <b>Date<br/>Marked</b> | <b>Admitted</b> | <b>Description</b>   |
|---------------------|----------------------|----------------------------|------------------------|-----------------|--|
| 1 *                 |                      |                            |                        |                 | Photographs of location of accident                                    |
| 2 *                 |                      |                            |                        |                 | Photographs of vehicles  |
| 3 *                 |                      |                            |                        |                 | Photographs of Byron Church & injuries                                 |
| 4 *                 |                      |                            |                        |                 | Technical drawings of rest area & ramps                                |
| 5 *                 |                      |                            |                        |                 | Videotape of physical therapy  |
| 6 *                 |                      |                            |                        |                 | Invoice of Bud's Trailer Repair, Inc.                                  |
| 7 *                 |                      |                            |                        |                 | George Burgess' personnel file (driving history and moving violations) |
| 8 *                 |                      |                            |                        |                 | George Burgess' daily log  |
| 9 *                 |                      |                            |                        |                 | 625 ILCS 5/11-905 "Merging Traffic"                                    |
| 10**                |                      |                            |                        |                 | US DOT Guidance Information (Neal Dep.Ex.5)                            |
| 11*                 |                      |                            |                        |                 | FMCSR Sec.395.3 "Maximum Driving and On-duty Time"                     |
| 12**                |                      |                            |                        |                 | FMCSR Interpretations (Neal Dep. Ex.6)                                 |
| 13**                |                      |                            |                        |                 | "Speed limits on Rural Interstate Highways" (Neal Dep.Ex.8)            |
| 14**                |                      |                            |                        |                 | Keller's Decision Driving Handbook (Neal Dep.Ex.8)                     |

| <b>Plf. No.</b> | <b>Deft. No.</b> | <b>Third-Pty Deft.</b> | <b>Date Marked</b> | <b>Admitted</b> | <b>Description</b>  |
|-----------------|------------------|------------------------|--------------------|-----------------|---|
| 15 *            |                  |                        |                    |                 | 625 ILCS 5/11-606 "Minimum speed regulation"                            |
| 16 **           |                  |                        |                    |                 | Medical equipment   |
| 17*             |                  |                        |                    |                 | Cardinal Freight Driver's Handbook                                      |
| 18*             |                  |                        |                    |                 | Bill of Lading (Tex Tech Industries)                                    |
| 19*             |                  |                        |                    |                 | Cardinal Event Report   |
| 20*             |                  |                        |                    |                 | Mortality Tables  |
| 21**            |                  |                        |                    |                 | Medical records from Dr. Denise McMonagle                               |
| 22 **           |                  |                        |                    |                 | Medical records from Dr. Stephen Touville                               |
| 23**            |                  |                        |                    |                 | Medical records from St. Louis University Hospital                      |
| 24**            |                  |                        |                    |                 | Medical records from Dr. Thomas Otto/Dr. Michael Shapiro                |
| 25**            |                  |                        |                    |                 | Medical records from Genesis Medical Center Rehabilitation Unit         |
| 26**            |                  |                        |                    |                 | Medical records from Genesis Medical Center                             |
| 27**            |                  |                        |                    |                 | Medical records from Rock Valley Industrial Therapy Center              |
| 28**            |                  |                        |                    |                 | Medical records from Dr. Stan Smith (Psychology Associates, Ltd.)       |
| 29**            |                  |                        |                    |                 | Medical records from Christian Hospital                                 |
| 30**            |                  |                        |                    |                 | Medical records from Dr. Michael Cullen                                 |
| 31**            |                  |                        |                    |                 | Medical records from Eye Surgeon Associates (Dr. Frederick & Dr. Fries) |
| 32**            |                  |                        |                    |                 | Medical records from Dr. Jim Licandro                                   |
| 33**            |                  |                        |                    |                 | Medical records from Dr. Richard Kreiter                                |
| 34**            |                  |                        |                    |                 | Medical records from Dr. David Rohlf                                    |
| 35**            |                  |                        |                    |                 | Medical records from Dr. James Darrow                                   |

| <b>Plf.<br/>No.</b> | <b>Deft.<br/>No.</b> | <b>Third-Pty<br/>Deft.</b> | <b>Date<br/>Marked</b> | <b>Admitted</b> | <b>Description</b>  |
|---------------------|----------------------|----------------------------|------------------------|-----------------|---|
| 36**                |                      |                            |                        |                 | Medical records from Dentistry Unlimited  |
| 37**                |                      |                            |                        |                 | Plaintiffs' income tax returns for years 1996 through 2003                                      |
| 38*                 |                      |                            |                        |                 | Medical bills and medical bills summary   |
| 39**                |                      |                            |                        |                 | "Commercial Motor Vehicle Driver Fatigue and Alertness Study" by Federal Highway Administration |
| 40**                |                      |                            |                        |                 | "Factors That Affect Fatigue in Heavy Truck Accidents" by NTSB                                  |
| 41**                |                      |                            |                        |                 | Economic Report of Lawrence DeBrock   |
| 42*                 |                      |                            |                        |                 | Vocational Economic Assessment of Kent A. Jayne   |
| 43*                 |                      |                            |                        |                 | Illinois Rules of the Road  |

\* party expects to offer

\*\* party may offer if the need arises